

REMARKS

This is in response to the Office Action of December 6, 2004. With this response, claims 2, 3, 20, 21 and 40 are amended and all pending claims are presented for reconsideration and favorable action.

In the Office Action, the Examiner rejected claims 20, 21 and 40-45 under 35 U.S.C. § 112. Those claims have been amended and it is believed that the rejection may be withdrawn.

Claims 2 and 6 were rejected based upon Serrao in view of Waters and claims 3, 7 and 8 were rejected based upon Lindley et al. in view of Waters.

As discussed in connection with this application, one feature of the present safety device is the electronic control unit 10, which is capable of authorizing a user. The electronic control unit is placed in an area within the safety device which is protected against an authorized manipulation.

The cited prior art, US 5,860,241, discloses an electronic gun lock with electronic parts outside of the barrel as can be seen for example in Figures 3 and 4 and column 4, lines 60 to column 5, line 9 disclosing that "a printed circuit board 78 having mounted thereon electronic circuitry 80".

However, it appears that the Examiner interprets the outer part of the gun lock 10 of US 5,860,241 as an area of the safety device which protects against an authorized manipulation.

Thus, for a further characterization of the independent claims 2 and 3 it appears novel and inventive if the control unit is arranged "inside the barrel and/or the cartridge chamber and therefore within an area protected against an authorized manipulation. It is believed that the amendment to claims 2 and 3 have accentuated this distinction.

Support for the amendments of independent claims 2 and 3 can be found, for example at page 7, lines 26-29 in combination with Figures 1, 2 and 3. From this description and figures it

should be sufficiently clear that the control unit 10 is placed inside the barrel and/or the cartridge chamber and is adapted for the user authentication. The other electronic parts may be placed outside the barrel and/or the cartridge chamber.

Additionally, Applicant notes that there were a number of objections to the figures. Revised figures are being prepared in accordance with the Patent Office requirements. Such figures will be submitted once the present application is allowed.

It is believed that the present application is in condition for allowance. Consideration and favorable action are respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

By: 

Alan G. Rego, Reg. No. 45,956
Suite 1600 - International Centre
900 Second Avenue South
Minneapolis, Minnesota 55402-3319
Phone: (612) 334-3222 Fax: (612) 339-3312

JKC:lrs